

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC**

In the Matter of	)	
	)	
Year 2002 Biennial Regulation Review	)	WT Docket No. 02-310
To:	The Commission, <i>en banc</i>	

**INITIAL COMMENTS OF  
AMERICAN ASSOCIATION OF PAGING CARRIERS**

AMERICAN ASSOCIATION OF PAGING CARRIERS (AAPC), by its attorney, respectfully submits its initial comments to the Federal Communications Commission in response to its Public Notice in the captioned proceeding, FCC 02-264, released September 24, 2002. As its initial comments, AAPC respectfully states:

The Commission is specifically required by Section 11 of the Communications Act, 47 U.S.C. §161, to (1) review biennially its regulations “that apply to the operations or activities of any provider of telecommunications service,” and to (2) “determine whether any such regulation is no longer necessary in the public interest as a result of meaningful economic competition between providers of such service.” In its Public Notice the Commission listed both Part 22 and Part 90 of the rules (among others) as falling within the scope of this proceeding. The Commission noted that traditionally it has not “limit[ed] its review to determine whether meaningful economic competition alone justified changes, but instead consider[s] any justification to modify or eliminate a rule which would serve the public interest”. The Commission states that it “expect[s] to continue this practice in the 2002 biennial review”.

AAPC is a new national trade association representing paging carriers throughout the United States. AAPC officially organized and commenced operation at its first annual meeting at Myrtle Beach, SC, on May 31, 2002. Additional information concerning AAPC may be found at its web site [www.pagingcarriers.org](http://www.pagingcarriers.org). Members of AAPC are licensed under either or both of Part 22 and Part 90 of the rules.

AAPC respectfully submits that, as part of this biennial review, the Commission should eliminate the requirement that licensees of shared Private Carrier Paging (PCP) channels under Part 90 of the rules obtain prior coordination of their applications from a recognized frequency coordinator.<sup>1</sup> Instead, PCP applicants should be permitted to submit their applications directly to the Commission via the electronic Universal Licensing System.

At this point, out of all of the paging carrier licensees, only licensees of the shared channels are still required to obtain frequency coordination before filing their applications with the Commission. Part 22 licensees have never been required to obtain frequency coordination; and both Part 22 licensees and licensees of non-shared channels in Part 90 must apply for geographic licenses to operate a commercial paging system. One of the features of the geographic license (with some exceptions not here relevant), is that the licensee is permitted to construct, relocate or otherwise modify its transmission facilities without filing any form of application or notification with the Commission. This enables the carriers to respond rapidly and efficiently to competitive forces in the marketplace.

By contrast, not only must licensees of shared paging channels obtain prior Commission authorization for new or modified station facilities, but they must also obtain prior coordination through a recognized frequency coordinator before they are even permitted to file their applications with the Commission. Typically, this requirement delays the filing of the application for at

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<sup>1</sup> See Section 90.175 of the rules, 47 C.F.R. §90.175.

least several weeks, and sometimes months; and the considerable fees charged by the coordinators add substantially to the cost of the application process.

Equally if not more important, the coordination function at this point serves no useful purpose as a practical matter. The coordinator is not empowered legally to reject an applicant's substantive choices, as long as they are within the Commission's rules; and in case of a dispute with the applicant the Commission ultimately is required to decide the issue in any event. Therefore, in practice today the coordination process accomplishes no more than increasing substantially the delay and expense of being licensed on a shared paging channel.

Under the Commission's biennial review criteria, that fact alone would justify eliminating the requirement for prior frequency coordination for shared PCP channels. Juxtaposing the delay and expense of coordination with the speed and flexibility afforded to competitors with geographic licenses under Part 22 or Part 90 provides another sufficient justification for eliminating the requirement. Considering both factors together, AAPC respectfully submits, provides an overwhelming case for doing so.

Respectfully submitted,

AMERICAN ASSOCIATION OF  
PAGING CARRIERS

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